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10 **UNITED STATES DISTRICT COURT**
12 **EASTERN DISTRICT OF CALIFORNIA**
13 **FRESNO DIVISION**

14 **THOMAS RICHARD OLSEN,**

15 Plaintiff,

16 vs.

17 **CAROLYN COLVIN,**

18 Acting Commissioner of Social Security,¹

19 Defendant.

Civil No. 1:24-cv-01415-SKO

**STIPULATION AND UNOPPOSED
MOTION FOR EXTENSION OF TIME
TO FILE THE ELECTRONIC
CERTIFIED ADMINISTRATIVE
RECORD AS THE ANSWER TO
PLAINTIFF'S COMPLAINT; ORDER**

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21 Pending the Court's approval, the parties stipulate through their respective counsel that
22 Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a thirty-day
23 extension of time to respond to Plaintiff's Complaint in this case from January 21, 2025, up to and
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25
26 ¹ Carolyn Colvin became the Acting Commissioner of Social Security on November 30, 2024.
Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Carolyn Colvin should be
27 substituted for Martin O'Malley as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
28 U.S.C. § 405(g).

including February 20, 2025. In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Complaint is due to be filed by January 21, 2025. Defendant has not previously requested an extension of this deadline.
2. In accordance with the Federal Rules of Civil Procedures, recently amended to add Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the Commissioner files a certified administrative record (CAR) as the Answer to a Complaint for review.
3. Counsel for the Commissioner has been informed by the client agency, which is the Social Security Administration, Office of Appellate Operations, that the CAR is not fully prepared in this matter. The client agency therefore needs more time to prepare the CAR for the Court's review.
4. For this reason, Defendant requests an extension to February 20, 2025 (30 days), to file an Answer or other response in this matter.
5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that he has no objection to this extension request.
6. This request is made in good faith and is not intended to delay the proceedings in this matter.
7. I am attempting to preserve limited judicial resources and have applied the most rapid response under the circumstances.

WHEREFORE, Defendant requests until February 20, 2025, to respond to Plaintiff's Complaint.

Respectfully submitted,

Law Offices of Francesco Benavides

/s/ Francesco Paulo Benavides*
FRANCESCO PAULO BENAVIDES
Attorney for Plaintiff
(*as authorized via email on January 1

MICHELE BECKWITH

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DATE: January 21, 2025

By

s/ Justin L. Martin
JUSTIN L. MARTIN
Special Assistant United States Attorney

7 Attorneys for Defendant
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ORDER

9 Pursuant to parties' foregoing stipulation and unopposed motion (Doc. 10), and for good
10 cause shown (Fed. R. Civ. P. 16(b)(4)),

12 IT IS HEREBY ORDERED that Defendant shall have up to and including to February 20,
13 2025, to serve an answer on Plaintiff. All other dates in the Scheduling Order (Doc. 5) are enlarged
14 accordingly.

15 IT IS SO ORDERED.
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17 Dated: January 21, 2025

/s/ Sheila K. Oberto

18 UNITED STATES MAGISTRATE JUDGE
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